



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

ELP  
Docket No.3215-00  
18 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 21 September 1959 for four years at age 17. The record reflects that you advanced to PFC (E-2) and served for more than 27 months without incident. However, during the 16 month period from December 1961 to April 1963 you received five nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of two periods of unauthorized absence (UA) totalling about three days, three instances of failure to obey a lawful order, possession of a switch-blade knife, and three instances of failure to go to your appointed place of duty.

When your enlistment expired on 20 September 1963, you were released from active duty under honorable conditions and transferred to the Naval Reserve. You received a general discharge upon completion of your military obligation on 20 September 1965.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were both 3.7. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization at the time of your release from active duty.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been 37 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of five NJPs, a summary court-martial conviction, and your failure to achieve the required average in conduct. The Board concluded that it was fortunate that you were allowed to complete your enlistment, and not processed for discharge under other than honorable conditions. You have provided neither probative evidence nor a convincing argument in support of your application. The Board concluded that the discharge is proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director